

2

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN

COPY

**TIMOTHY J. RYAN and
CHRISTINE A. RYAN,**

Plaintiffs,

Case No. 1:03-CV-439

vs.

HON. DAVID W. McKEAGUE

**ADELE McGINN-LOOMIS and
MARY BENEDICT,**

Defendants.
_____ /

DEPOSITION OF MARY L. BENEDICT

Taken by Plaintiffs on the 21st day of January, 2004, at the offices of the State Bar of Michigan, 306 Townsend Street, Lansing, Michigan, before Karen L. Banks, Notary Public and Certified Electronic Recorder in and for the State of Michigan, commencing at 8:40 a.m.

APPEARANCES:

For Plaintiffs:

JAMES S. BRADY (P11110)
RICHARD E. HILLARY, II (P56092)
Miller, Johnson, Snell & Cumiskey, PLC
250 Monroe Avenue, N.W., Suite 800
P.O. Box 306
Grand Rapids, Michigan 49501-0306
Telephone: (616) 831-1700

**For Defendant
Benedict:**

THERESA M. ASOKLIS (P42709)
Collins, Einhorn, Farrell & Ulanoff, P.C.
4000 Town Center, Suite 909
Southfield, Michigan 48075
Telephone: (248) 355-4141

Karen L. Banks

Certified Electronic Reporter
P.O. Box 592 • Lake Odessa, MI 48849
(616) 374-0111

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

1 Q So you did a draft and, after your first copy of the
2 draft, it was either you or somebody noticed that there
3 were some things that needed to be corrected; is that
4 right?
5 A Yes.
6 Q And those corrections waited to be done until sometime
7 after the night of the 19th?
8 A Yes.
9 Q So these are all things that you talked about with Ms.
10 Loomis in that telephone conversation at five-ish, not
11 that you did them all when you were talking to 'em, but
12 you talked about all these things that you could do in
13 that conversation, and indeed that night you followed
14 up on them; is that right?
15 A Yes.
16 Q In that telephone conversation, when you do these
17 pleadings, did you talk about getting a judge to -- or
18 strike that -- filing the papers, when you were going
19 to be able to file the papers or how you were going to
20 obtain the judge's signature on the order, did you talk
21 about that?
22 A Yes.
23 Q This is on the telephone conversation, five-ish?
24 A Yes.
25 Q In that conversation, who brought that up in terms of

Page 111

1 how you were going to reach a judge or how you were
2 going to go about getting a judge?
3 A I believe I did.
4 Q And what did you say?
5 A I said it was going to be difficult to try to reach a
6 judge. It was after hours. It would be difficult to
7 try to reach a judge.
8 Q Okay. That established, what happened then? I mean,
9 you said that. What was her response or how did you
10 eventually set upon a plan to contact a judge, if
11 indeed you did?
12 A I believe that I asked Adele to see if she could help
13 me get phone numbers. I know that some of the numbers
14 are in the phone book. I asked if she could help me in
15 locating phone numbers.
16 Q So in terms of reaching a judge and getting ahold of a
17 judge, you asked Adele if she would help you getting
18 phone numbers of the judges; right?
19 A Yes.
20 Q Were there certain judges mentioned?
21 A No.
22 Q And what was the plan once a phone number of a judge
23 was obtained?
24 A I anticipated those numbers would be given to me.
25 Q You were not going to look up telephone numbers, or was

Page 112

1 that just going to be Adele's job?
2 A I would also look up numbers. I was asking for some
3 help.
4 Q Okay. What happened next, if you remember?
5 A Exact orders I do not remember.
6 Q Well, I mean, did that end the conversation on the
7 telephone once you went through all the alternatives
8 and that if you were going to contact a judge, you
9 needed telephone numbers and Adele would get the
10 telephone numbers? Did that end the conversation or,
11 to the best of your recollection, were there other
12 things talked about?
13 A No. That, I believe, ended the conversation.
14 Q Okay. What was the next conversation you had with
15 Adele that night after the telephone conversation at
16 five-ish?
17 A She called and gave me Judge Gardner's phone number.
18 No, I -- oh. I believe that was the next -- she called
19 and gave me Judge Gardner's phone number.
20 Q In terms of that conversation which would have been the
21 next conversation you had with Ms. Loomis, was that --
22 strike that. Was there anything else in that
23 conversation discussed other than giving her -- strike
24 that -- she giving you Judge Gardner's telephone
25 number? Was there anything else discussed in that

Page 113

1 telephone conversation?
2 A No.
3 Q Just the fact that she gave you Judge Gardner's
4 telephone number?
5 A Yes.
6 Q Nothing else?
7 A No.
8 Q Short conversation?
9 A Yes.
10 Q Did she say how she got Judge Gardner's telephone
11 number?
12 A I don't believe so, no.
13 Q What did you do, then, after that telephone
14 conversation?
15 A I called Judge Gardner.
16 Q What time would that have been?
17 A I don't know.
18 Q Well, sometime after five-ish?
19 A Yes.
20 Q So do we have an estimate?
21 A No, I don't.
22 Q So you just don't know when that was?
23 A No, I do not.
24 Q Do you know what time Ms. Loomis called you with Judge
25 Gardner's telephone number?

Page 114

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

<p>1 A No, I do not.</p> <p>2 Q So you called Judge Gardner?</p> <p>3 A Yes.</p> <p>4 Q At her home?</p> <p>5 A Yes.</p> <p>6 Q For what purpose?</p> <p>7 A To ask her if she would -- to explain the situation of</p> <p>8 what was going on with my client and to ask if she</p> <p>9 would be willing to sign an ex parte order that would</p> <p>10 keep Claire -- return Claire to Grand Rapids from the</p> <p>11 Detroit area.</p> <p>12 Q What else did you say to her?</p> <p>13 A I explained the situation to her.</p> <p>14 Q What do you mean, you explained the situation to her?</p> <p>15 Did you go into the facts?</p> <p>16 A Yes, I did.</p> <p>17 Q What did you tell her?</p> <p>18 A I explained what I knew of Claire; that she was an</p> <p>19 honor student at Catholic Central; that there were</p> <p>20 family problems going on; that Claire had been told to</p> <p>21 leave the home; that Claire was living with family</p> <p>22 friends until she was -- until her parents asked those</p> <p>23 friends not to let her stay there any longer; and that</p> <p>24 Claire then was at the McGinn-Loomis household; that</p> <p>25 the parents had contacted the police to report her as a</p> <p style="text-align: right;">Page 115</p>	<p>1 right?</p> <p>2 A Well, the number I had --</p> <p>3 Q Answer the question.</p> <p>4 A That's correct.</p> <p>5 Q And so, based on the fact that Adele called you and</p> <p>6 said, "Here's Judge Gardner's number," it was part of</p> <p>7 the plan that you and Adele had the arrangement is that</p> <p>8 when she gave you the number, you would make the call?</p> <p>9 A Yes.</p> <p>10 Q You never expressed to Adele Loomis that you would</p> <p>11 never call the judge at home after hours?</p> <p>12 A I told her I had never called a judge after -- at home</p> <p>13 after hours before.</p> <p>14 Q You told her you had never done it before?</p> <p>15 A That's correct.</p> <p>16 Q Did you tell her that you would never call a judge at</p> <p>17 home after hours?</p> <p>18 A I don't recall saying that. I recall saying, "I've</p> <p>19 never done that before."</p> <p>20 Q So if she recalls that that's what you told her, could</p> <p>21 she be right?</p> <p>22 A She could be.</p> <p>23 Q But yet you did it?</p> <p>24 A Yes, I did.</p> <p>25 Q Now, your practice is family practice. You deal with</p> <p style="text-align: right;">Page 117</p>
<p>1 runaway and then removed her from school on the 18th;</p> <p>2 and that Claire had called -- or on the 18th, 19th, had</p> <p>3 called asking for help.</p> <p>4 And I was asking if the court -- and I had</p> <p>5 explained my calls at that point with information I had</p> <p>6 obtained about the types of facilities in Utah, gave</p> <p>7 her the -- that I had checked with Wayne County and</p> <p>8 that there had not been any planes going out that day,</p> <p>9 so my belief was she was still in Wayne County; that I</p> <p>10 had contacted FIA in Kent and Wayne Counties.</p> <p>11 Q Did you tell her what the Kent FIA said, that since she</p> <p>12 wasn't in Kent County, there wasn't anything they could</p> <p>13 do?</p> <p>14 A Yes. Kent County couldn't do, yes.</p> <p>15 Q And you told the judge that?</p> <p>16 A Yes.</p> <p>17 Q And did you tell her that the Loomis family where she</p> <p>18 was staying at where the police picked her up was the</p> <p>19 family of her boyfriend?</p> <p>20 A Yes.</p> <p>21 Q And you called again Judge Gardner because you had her</p> <p>22 number; right?</p> <p>23 A Yes.</p> <p>24 Q You weren't given the numbers of Judge Hillary or Judge</p> <p>25 Carpenter or Judge Haynes or any other judge; is that</p> <p style="text-align: right;">Page 116</p>	<p>1 the family division. Did you know who the presiding</p> <p>2 judge of that court was at that time?</p> <p>3 A No.</p> <p>4 Q You did not?</p> <p>5 A No.</p> <p>6 Q You've never had occasion to use the presiding judge of</p> <p>7 the probate court or the family court division up until</p> <p>8 that time?</p> <p>9 A That's correct.</p> <p>10 Q So you never were aware of the court policy that would</p> <p>11 have required you, in seeking a TRO, that you would go</p> <p>12 -- if the assigned judge wasn't available, that you</p> <p>13 would go to the presiding judge? You weren't aware of</p> <p>14 that policy?</p> <p>15 A No.</p> <p>16 Q You never had occasion to get a TRO before?</p> <p>17 A No.</p> <p>18 Q In all your years of practice, you never had an</p> <p>19 occasion to get a temporary restraining order?</p> <p>20 A Not that I'm recalling.</p> <p>21 Q Now, you knew, did you not, that your case wasn't filed</p> <p>22 yet?</p> <p>23 A Yes.</p> <p>24 Q In fact, it wasn't filed until the next day; is that</p> <p>25 right?</p> <p style="text-align: right;">Page 118</p>

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

<p>1 A It was filed with the clerk's office the next day. 2 Q The 20th? 3 A Right. 4 Q And we're talking about the 19th. 5 A Right. 6 Q So you knew that there wasn't any matter pending in the 7 Kent County courts? 8 A Correct. 9 Q You had a conversation with Judge Gardner that you 10 related to us. Is there anything else that you talked 11 about with Judge Gardner? 12 A No. 13 Q What did Judge Gardner say to you? 14 A She said that she would be willing to sign an order 15 that simply had Claire returned to Grand Rapids, stay 16 at The Bridge for two weeks, and that then the court 17 would further hear this case. 18 Q So you actually talked about that with -- the actual 19 contents of the order, you talked about that with the 20 judge? 21 A Yes. 22 Q Did the judge ask you, "Have you notified the Ryans, 23 the defendants in this case?" Did the judge ask you if 24 you notified them about the fact that you were seeking 25 a TRO?</p> <p style="text-align: right;">Page 119</p>	<p>1 MS. ASOKLIS: -- a little confusing. 2 BY MR. BRADY: 3 Q When you had that conversation with Judge Gardner, did 4 you tell her that you had not made an attempt to 5 contact the Ryans about seeking a restraining order? 6 A I do not recall. 7 Q So you could have or you may not have? 8 A That's correct. 9 Q Just don't recall? 10 A That's correct. 11 Q And we don't have any notes of this conversation -- 12 strike that. You don't have any notes of this 13 conversation with Judge Gardner? 14 A Correct. 15 Q No memorandum in your file; is that right? 16 A That's correct. 17 Q And what you're testifying to is, to the best of your 18 ability, what you remember? 19 A That's correct. 20 Q And did you tell Judge Gardner that you made no attempt 21 to contact either Tim Ryan or Chris Ryan or Laurie 22 Murphy, who you had spoken to earlier; is that right? 23 Yes or no? 24 A I don't recall. 25 Q And as a matter of fact, you do recall that you made no</p> <p style="text-align: right;">Page 121</p>
<p>1 A No. 2 Q The judge didn't ask you anything about that? 3 A I believe I had expressed that I believed that the 4 Ryans were with -- in fact, I knew that Tim Ryan was 5 with Claire. 6 Q You said first "Ryans," and then you said "Tim Ryan." 7 Let's go back and try to focus in on my question. Did 8 the judge ask you if you attempted to notify the Ryans 9 or their lawyer that you were attempting to seek a 10 restraining order? 11 A I had told the judge about the issue -- 12 Q Excuse me. 13 A No. 14 Q No? 15 A I don't recall the judge asking me that question. 16 Q In this conversation with the judge, did you tell him 17 that you did not attempt to contact the Ryans? 18 MS. ASOKLIS: Did you say "him"? 19 MR. BRADY: I'm sorry. 20 MS. ASOKLIS: Are you referring to Judge 21 Gardner? 22 MR. BRADY: Yes. 23 MS. ASOKLIS: Okay. Why don't you restate 24 the question, because it was -- 25 MR. BRADY: Sure.</p> <p style="text-align: right;">Page 120</p>	<p>1 attempt to contact Tim Ryan; is that right? 2 A That's correct. 3 Q Because you believed he was with his daughter, either 4 on the way to Utah or in Utah; is that right? 5 A No. I believed he was in Detroit with his daughter. 6 Q Okay. And that information got to you from Ms. Loomis? 7 A Yes. 8 Q You made no effort to contact the mother, Chris Ryan; 9 is that right? 10 A That's correct. 11 Q Because you believed also that she was in Detroit with 12 Claire Ryan; is that right? 13 A I didn't know where Chris was. 14 Q Okay. But you made no attempt to call her on the phone 15 or to send a process server or you yourself go out to 16 their home and notify her? 17 A That's correct. 18 Q And you made no attempt to notify Laurie Murphy, who 19 was a lawyer that you had talked to before, about the 20 Ryans; is that right? 21 A That's correct. 22 Q Other than what you related to about your conversation 23 with Judge Gardner on the telephone that night -- and I 24 think we've covered this and I apologize for going over 25 it again -- but Judge Gardner, in agreeing to sign the</p> <p style="text-align: right;">Page 122</p>

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

<p>1 order, never questioned you about -- strike that. In 2 your discussions with Judge Gardner, did she or did she 3 not know that a complaint had not actually been filed 4 with the court? 5 A Yes, she knew that. 6 Q She knew one had not been filed with the court? 7 A Yes. 8 Q And that you were going to file one with the court? 9 A Yes. 10 Q And she never said to you that this is something the 11 presiding judge should sign? 12 A No, she did not. 13 Q And again, you went to Judge Ryan -- excuse me -- Judge 14 Gardner because Ms. Loomis gave you her phone number; 15 is that right? 16 A Yes. 17 Q After the conversation with Judge Gardner, what, if 18 anything, did you do next? 19 A I completed drafting the pleadings and went to meet 20 with Ms. -- or Judge Gardner. 21 Q And you said you completed drafting the pleadings, the 22 three that I'm aware of from your prior testimony: the 23 affidavit which was to be signed by Ms. Loomis, the 24 complaint, and the order? 25 A Yes.</p> <p style="text-align: right;">Page 123</p>	<p>1 MS. BREGMAN: That's the "Y.W." 2 MR. BRADY: The "Y.W.," yeah. They kind of 3 all run together. 4 BY MR. BRADY: 5 Q Do you know why she picked that? 6 A Because her children were going swimming there and she 7 was taking them there. 8 Q Did you meet in a particular room? 9 A I met her in a room off of the pool. Yes. 10 Q What time was this meeting? Do you know? 11 A I don't know the exact time. 12 Q Do you have any idea? I mean, are we talking five? 13 Are we talking six? Talking seven? Talking eight? 14 Are we talking nine? 15 A I believe it was around eight o'clock. 16 Q Who was present for this meeting, as best you recall? 17 A Judge Gardner and myself. 18 Q Was there a court reporter there? 19 A No, there was not. 20 Q And what was discussed in that meeting? 21 A Only if I had received any additional information, and 22 then the judge reviewed the pleadings and signed the 23 order. 24 Q Did you have additional information? 25 A Not at that time.</p> <p style="text-align: right;">Page 125</p>
<p>1 Q Is that what you completed? 2 A Yes. 3 Q So did you have -- when you went to meet with Judge 4 Gardner, did you have all those with you? 5 A Yes, I did. 6 Q So you had a draft of the affidavit. Again, I think 7 you testified that on the night of the 19th that wasn't 8 finalized yet because you had to make some changes? 9 A That's correct. 10 Q But the complaint was done? 11 A Yes. 12 Q So you had that? 13 A Yes. 14 Q And you had the order? 15 A Yes. 16 Q Where did you meet Judge Gardner? 17 A At the YWCA or YMCA down on Sheldon. 18 Q Who picked that location? 19 A The judge. 20 Q Why? Do you know why she picked the "Y"? Was it the 21 YMCA or the -- did you say the "Y.M." or the "Y.W."? 22 I'm sorry. 23 A I'm not sure which it is. I think it's the YWCA. I'm 24 not sure which it is. It's the "Y" on Sheldon. 25 Q Okay. That would be the "Y.W."</p> <p style="text-align: right;">Page 124</p>	<p>1 Q So you really didn't talk about anything? You really 2 didn't add anything to what you had told her over the 3 phone, other than the fact that she took the pleadings 4 you gave her; right? 5 A Yes. 6 Q Again, not to be redundant, but just so I know we're 7 clear in our mind, the affidavit, that eventually was 8 signed by Ms. Loomis; right? 9 A Yes. 10 Q The initial complaint for divorce? 11 A Yes. 12 Q And the order -- excuse me -- that you wanted the judge 13 to sign? 14 A Yes. 15 Q Did she read those or did it appear to you that she 16 read those? 17 A Yes. 18 Q How long did it take? 19 A Five, ten minutes. 20 Q And to the best of your recollection, she asked you no 21 questions other than if there was any additional 22 information, and you don't think that there was any; is 23 that right? 24 A That's correct. 25 Q Other than that question, did she ask you any other</p> <p style="text-align: right;">Page 126</p>

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

<p>1 A I don't remember exactly, no. 2 Q Eleven-ish? Ten-ish? 3 A I want to say it was between 8:30 and nine. 4 Q Okay. So, eight-thirty-ish? 5 A Yes. 6 Q That fair? 7 A Yes. 8 Q Okay. Because after that time you did nothing in 9 relation to the Claire Ryan matter until the next day? 10 A That's correct. 11 Q And you didn't return -- you did not return to your 12 office? 13 A No, I did not. 14 Q I want to just mention a couple names and just ask me 15 -- excuse me -- I'm asking whether or not you had any 16 telephone conversations or meetings with these persons. 17 Okay? 18 MS. ASOKLIS: On a particular date? 19 MR. BRADY: Oh, I'm sorry. The 19th between 20 -- I'm sorry. I thought I went through all this. 21 BY MR. BRADY: 22 Q Between five o'clock and now eight-thirty-ish. 23 A Okay. 24 Q Because that's the last time you did any work on this 25 matter. Okay? Is that right? I mean --</p> <p style="text-align: right;">Page 139</p>	<p>1 Q So it was sometime between the five-ish area and the 2 time that you talked to Adele and she gave you Judge 3 Gardner's telephone number; is that right? 4 A Yes. 5 Q Was it after the -- okay. Strike that. Did you call 6 Judge Hillary or did Judge Hillary call you? 7 A Judge Hillary called me. 8 Q Did he indicate to you why he was calling you? 9 A He had indicated that he had a phone call from Adele 10 regarding a problem, and was calling me to get 11 information on it. 12 Q That's what he said to you that you remember? 13 A That's the gist of it, yes. 14 Q Well, I'd like a little bit more than the gist of it, 15 if you can remember. I want you to remember when he 16 called as to why he said he was calling. 17 A He said he was calling me because he had received a 18 call from Adele. 19 Q Adele who? Just Adele? Did he say Adele Loomis? 20 A Adele McGinn-Loomis. 21 A Is that what he said? 22 A I don't remember if he used a full name. I don't 23 remember. 24 Q Okay. 25 A And that he was -- he understood there was a problem</p> <p style="text-align: right;">Page 141</p>
<p>1 A On the 19th, yes. 2 Q Yeah. Did you talk to Judge Hillary? 3 A Yes, I did. 4 Q Judge Haynes? 5 A No, I did not. 6 Q Any other judges? 7 A No. 8 Q Any court personnel? 9 A No. 10 Q Lawyers? You mentioned your classmate. 11 A No. 12 Q Anybody else other than people that we've talked about 13 already and Judge Hillary, who we haven't talked about, 14 between five-ish and eight-thirty-ish that you talked 15 to regarding the Claire Ryan matter? 16 A I don't recall anyone else. 17 Q Did you talk to Judge Hillary before or after you spoke 18 to Judge Gardner? 19 A Before. 20 Q Did you speak to Judge Hillary before or after you got 21 Judge Gardner's telephone number from Adele Loomis? 22 A Before. 23 Q Do you remember the time you spoke to Judge Hillary? 24 Do you remember that time? 25 A No, I do not.</p> <p style="text-align: right;">Page 140</p>	<p>1 and he was calling to talk to me about it. 2 Q And what did you say? 3 A I talked to him about what I knew of the situation at 4 that time. 5 Q Was that basically the same things you told to Judge 6 Gardner? 7 A I don't recall time frames as to what information I 8 received between those two phone calls. 9 Q But you told him what you knew of the facts at that 10 time? 11 A Yes. 12 Q That Claire had been removed from her home and to the 13 best of your knowledge was in Detroit, on her way 14 perhaps to someplace in Utah? Generally what you knew; 15 right? 16 A Yes. 17 Q And that Claire -- you were representing Claire, your 18 client, or the attorney for Claire? 19 A Yes. 20 Q So you told him the facts as best you understood them 21 at that time? 22 A Yes. 23 Q What did he say? 24 A He indicated that he didn't think there was anything 25 that he could do to help me, but that I should keep</p> <p style="text-align: right;">Page 142</p>

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page™

Mary L. Benedict - 1/21/04

1 contacting other judges.
2 Q Did he say why he couldn't help you?
3 A No.
4 Q He just said he couldn't help you?
5 A He didn't think that he could.
6 Q He didn't think he would or he didn't think he could?
7 A Could.
8 Q He's the same type of judge as Judge Gardner?
9 A Yes.
10 Q He doesn't have any less power or more power than Judge
11 Gardner, --
12 A No.
13 Q -- does he?
14 A No.
15 Q But he said he didn't think he could help you; right?
16 A Yes.
17 Q But he said to keep trying other judges?
18 A Yes.
19 Q He told you that?
20 A Yes.
21 Q Did he say anything about which judge to try?
22 A No, he did not.
23 Q But you laid out the scenario as best you understood
24 it?
25 A Yes.

Page 143

1 you've thought of it?
2 A No. That, I believe, is -- no.
3 Q You think I'm wrong? You think there is reference of
4 that in your response on the grievance matter to your
5 conversation with Judge Hillary?
6 A I don't know. I believe that there is references, yes.
7 Q To your conversation with Judge Hillary?
8 A Yes.
9 Q When he initially talked to you, he said he was calling
10 based on a request from Adele, and you don't remember
11 whether he used her full name or not? You don't
12 remember that; is that correct?
13 A That's correct.
14 Q Did he relate to you what Adele may have told him?
15 A No, he did not. He indicated to me he wanted to know
16 what the situation was and was trying to get
17 information from me. He didn't indicate that he knew
18 anything.
19 Q And that was before your conversation with Judge
20 Gardner?
21 A Yes.
22 Q And so before you talked to Judge Hillary, you know
23 from that conversation that Adele and he had spoken?
24 A Could you state that again, please?
25 Q Do you know that Judge Hillary and Adele had talked?

Page 145

1 Q Were other judges mentioned when he said -- he
2 encouraged you to try other judges? Were other judges'
3 names given by him?
4 A No.
5 Q So you don't know exactly whether he got the same
6 factual basis that Judge Gardner got, but he got
7 whatever you knew at that time?
8 A Yes.
9 Q He didn't say, "You've not given me enough facts. You
10 need to go out and get more information"? He just said
11 that he -- as far as you know, he said that he couldn't
12 help you?
13 A He didn't feel he could help on this case.
14 Q But he didn't say why?
15 A No, he did not.
16 Q Do you have notes of that conversation?
17 A No, I do not.
18 Q Everything you're telling me is based on your
19 recollection?
20 A Yes.
21 Q Now, I've reviewed a lot of documents in this case,
22 including the grievance and your response to the
23 grievance, including briefs that was filed. I've never
24 heard -- I've never read reference to that conversation
25 with Judge Hillary. Why? Is this the first time

Page 144

1 A I don't know that they talked.
2 Q I thought you just said he got his --
3 A He said he had a call from Adele, and he called me,
4 wondering what the situation was. I can infer that
5 they spoke.
6 Q So you inferred that he spoke, but you -- he didn't
7 tell you that he had talked to Adele?
8 A I don't recall that, no.
9 Q Did Adele tell you that she spoke to Judge Hillary?
10 A I think she did, yes.
11 Q And when would that have been?
12 A That she spoke with him?
13 Q No. When did she tell you that she spoke to him?
14 A I don't know.
15 Q Would it have been the night of the 19th that she tell
16 you that she spoke to him?
17 A Yes.
18 Q So she told you two things, and that's kind of an
19 unclear question. On the 19th she told you on the 19th
20 she spoke to Judge Hillary; right?
21 A Yes.
22 MR. BRADY: Ms. Asoklis, do you have the
23 exhibits from the other deposition in front of you, or
24 do you want me to give her copies of these?
25 MS. ASOKLIS: I have copies.

Page 146

Timothy J. Ryan and Christine A.
Ryan v. Adele McGinn-Loomis, et al

Multi-Page

Mary L. Benedict - 1/21/04

1 MS. ASOKLIS: That's correct.
2 MR. BRADY: -- that she may have had with
3 Claire Ryan?
4 MS. ASOKLIS: That's correct. In my view,
5 I've allowed you a lot of leeway, but I think events
6 that occurred after the "DZ" case ended are far beyond
7 the scope of Judge McKeague's limiting order, so I'll
8 instruct her not to answer.
9 MR. BRADY: So I can't --
10 MS. ASOKLIS: I'm following the judge's
11 order.
12 MR. BRADY: Well, you are to the best of your
13 knowledge in terms of what you think that order says.
14 I think I'd be permitted to ask those questions and I
15 think they go to the heart of the case, because I don't
16 know what they were about and I'm entitled to make that
17 decision as to whether or not they go to state action
18 or not. The judge. Not me, not you, not Judy, not
19 anybody. That's him.
20 MS. ASOKLIS: Right.
21 MR. BRADY: So, I won't ask her any questions
22 about it, but sure as heck would like the opportunity
23 to.
24 MS. ASOKLIS: I understand that.
25 MR. BRADY: Okay. That's it.

Page 191

STATE OF MICHIGAN)
) ss.
COUNTY OF IONIA)

I certify that this transcript, consisting of 193
pages, is a complete, true, and correct record of the
testimony of Mary L. Benedict, taken in this case on January
21, 2004.

I also certify that prior to taking this deposition,
Mary L. Benedict was duly sworn to tell the truth.

I also certify that I am not a relative or employee of
or an attorney for a party; or a relative of an attorney for
a party; or financially interested in the action.

Date: January 25, 2004

Karen L. Banks

Karen L. Banks, CER 3592

Page 193

1 MS. ASOKLIS: Okay. Thank you. Judy, you
2 don't have any questions, do you?
3 MS. BREGMAN: No.
4 MS. ASOKLIS: Okay. We're all done. Thank
5 you.
6 (At 1:28 p.m., deposition concluded.)

Page 192